

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TIMOTHY WADDELL DAVIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:18CV699
	)	
ROY COOPER,	)	
	)	
Respondent.	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on August 21, 2018, was served on the parties in this action. (ECF Nos. 3, 4.) No objections were filed within the time prescribed by §636.

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed and DISMISSED *sua sponte* without prejudice to Petitioner filing a new petition, which corrects the defects of the current Petition after Petitioner exhausts his state court remedies. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 13<sup>th</sup> day of September, 2018.

/s/ Loretta C. Biggs  
United States District Judge